

**Decision Notice****For the Draft Environmental Assessment  
Fairweather Fishing Access Site Wildlife Enhancement  
Crop-Share Agreement for Years 2020 - 2029**

Prepared by Region 3, Montana Fish, Wildlife and Parks  
May 7, 2019

**Proposal**

Montana Fish, Wildlife and Parks (MFWP) proposes to renew an existing wildlife agricultural lease at Fairweather Fishing Access Site (FAS) for 10 years. The proposed action is to continue a crop share arrangement whereby the lessee is authorized to plant crops (wheat and barley) on the FAS and retain 70% of the production leaving 30% unharvested for the benefit of wildlife food and cover. The benefits and purpose of this crop share arrangement are especially for pheasant habitat, but other wildlife benefit as well. The increased pheasant population that is supported by this agricultural production directly contributes to hunter opportunity and hunter success in game bird hunting on the Fairweather.

**Montana Environmental Policy Act (MEPA) Process**

The proposal was outlined by MFWP in an Environmental Assessment (EA). The purpose of the EA is to satisfy the letter and intent of the Montana Environmental Policy Act (MEPA). MFWP is required through the MEPA process to assess the potential impacts of this project on the human and natural environment. The EA was distributed to interested parties, published in two local newspapers, was posted on the MFWP website, and was available upon request. A 30-day public comment period on the proposal was held from February 26<sup>th</sup> to March 22<sup>nd</sup>.

The EA provides the MFWP Decision Maker (MFWP Region 3 Supervisor) with the best available information to assist in evaluating the project and deciding whether to approve, not approve, or modify the proposed action in a Decision Notice. In this case, the proposed action is less than \$5,000 so the Region 3 Supervisor is the appropriate final approval authority. Actions over \$5,000 must be reviewed by the Fish and Wildlife Commission.

**Issues Raised in the Environmental Assessment**

The EA describes management issues and alternatives in detail, including expected effects on the physical and human environment. As a renewal of an agreement that has been in place the last 20 years, there was little new to discuss. Issues raised included the reduction of the total farmed acreage from 133 acres to 128 acres due to erosion along the Missouri River banks resulting in flooding. The EA noted that further reduction in cropland is possible depending on Missouri River dynamics. Montana Rail Link may also be performing future rail bed access improvements which could change access roads

to farm fields. The EA discussed what could happen if the crop-share arrangement were discontinued. Under this no-action alternative, discontinuation of farming would result in loss of food and shelter for pheasants and other wildlife and spread of noxious weeds. MFWP does not have staff resources to undertake or manage farming on this property, and rehabilitation of the farmed fields to native vegetation would be a significant expense.

The EA evaluated the physical and human environment at the site. It acknowledges that with farming comes some noise, some dust, and application of agricultural chemicals. None of these are new to this site, nor the larger area which is agricultural in nature. Agricultural chemicals must comply with all Federal and State laws. Under the no-action alternative, an increase in herbicides would likely be needed at the site to manage the noxious weeds that would occur if farm fields were abandoned. The benefits of the proposed action include the enhancement of pheasant and other wildlife habitat which could increase, or at least sustain, hunting opportunity at the FAS.

### **Summary of Public Comments**

Three parties submitted written comments. No comments were opposed to the proposed action. One was explicitly favorable to Alternative B, another implied support through the comment “30% of the crop left standing seems like a very good arrangement for this FAS”, and the third expressed need for increasing MFWPs involvement with upland bird habitat management. All parties raised additional questions or concerns. Favorable comments included support for continuing farming, support for local public pheasant hunting opportunities, and support for enhancing pheasant habitat. Concerns included whether this project was doing enough for pheasants.

### **Questions and Clarifications Derived During the Public Comment Period**

The Gallatin Valley Chapter of Pheasants Forever wrote the most comprehensive letter as public comment. Broadly, the letter requests MFWP devote significantly more resources to upland game bird programs in Region 3. It suggests we need to hire a full-time upland game bird biologist or to contract with another entity to hire an upland bird specialist, and that MFWP should become active in the Upland Game Bird Enhancement Program and Advisory Council. These comments have been received and noted, but are outside the scope of this EA.

Specific questions and comments related to this EA from all parties are detailed below.

**Question 1: 30% of the crop left standing seems like a very good arrangement for this FAS. I would question if the farmer actually leaves that amount... Who verifies that the 30% of crop is left standing? And is it verified each year?**

As described in the EA, the lessee can use farming practices involving rotation of crops, allowing him leeway with the percentage of winter wheat, spring wheat, and barley that will be planted each year. Fields planted to winter wheat may look bare that winter, but when harvested the next summer, will provide leave grain for pheasants the next winter. This means that in any given year, 30% of the 128 acres will not necessarily be standing. The 30% figure applies to harvested crop. MFWP does not physically measure the percentage of harvested crop left standing.

Question 2: Maybe MFWP should consider stabilizing the river banks or start planting habitat along the river.

The rate of river migration at this site is relatively normal for a river like the Missouri. Stopping its natural channel migration would be an expensive process, and MFWP's Fisheries bureau would not support unnecessary, artificial manipulation of river banks. Installing rip rap properly at this site could cost tens of thousands of dollars. MFWP periodically modifies the location of the boat launch rather than attempting to stop natural river movement.

Comment 1: The Alternative A "no action" approach should include language that FWP do not have farm equipment... to properly manage the farm operation.

MFWP agrees with this comment noting that we do not have the correct equipment, personnel, nor budget to run farming operations on this FAS. As the EA is written, we did note "MFWP does not have the staff resources to undertake or manage farming activity on this property" (page 2).

Comment 2: (Fairweather) should be managed with a major focus on wildlife habitat, and that pheasants and other upland gamebirds are key species for MFWP.

Fairweather is a Fishing Access Site, not a Wildlife Management Area (WMA). As such, it is managed for slightly different goals, and has different infrastructure and budgets (i.e., WMA budgets do not include work on FASs). There are more than 100 FASs in Region 3, with the major management goals to provide recreational access to rivers or other bodies of water for fishing. However, MFWP's programs are collaborative and there are many ways the FAS and wildlife programs work together. This crop-share arrangement is one example. Other examples include how FAS staff work to manage current and future recreation to prevent negative impacts to wildlife, and fence modification projects to promote wildlife passage. Specific habitat projects are always possible but require identification of funding and operations.

Comment 3: We (Pheasants Forever) recommend a) retiring half of the current cropland and planting it to long-term or permanent nesting cover in one large block, b) planting pollinator plots to function as brood cover, c) continuing to provide fall/winter food plots for wildlife, and d) doing some kind of wildlife inventory on at least an annual basis to assess the progress of the "Wildlife Enhancement".

Points a and b: Retiring half the current cropland was not an option considered under this EA. Retiring half the current cropland and planting it to nesting cover and/or pollinator plots would require an additional EA, as it would come with significant cost and impact considerations. Foremost, MFWP would need to re-negotiate with the contract farmer, as it may become economically infeasible for him to spend the time and resources to farm smaller plots for winter food. MFWP would need the budget and equipment to perform the plantings. Plantings would require subsequent irrigation to become established, which would require a generator and pump and personnel hours to attend this. MFWP does not have any of these operations or infrastructure currently available.

MFWP would encourage further conversations with Pheasants Forever regarding the 5-acre piece that will be retired from farming as discussed in this EA. This piece needs rehabilitation and could be a good project area in which to install nesting cover. Such a project would not conflict with this EA or current practices, and would help partially meet the concerns raised in point a.

Point c: MFWP agrees, and the proposed action of this EA will provide for continued fall/winter food plots.

Point d: MFWP wildlife inventories are focused on a large scale, beyond the scope of singular, small properties. For example, MFWP performs big game surveys across ungulate winter ranges, often 100mi<sup>2</sup> or larger. Similarly, MFWP participates in sandhill crane, dove banding, waterfowl, and forest grouse surveillance at regional or statewide scales. A stand-alone annual survey of a 719-acre fishing access site would be too small to be useful for wildlife population analysis.

However, there are precedents where MFWP and other interest groups have worked together on small landscapes to help initiate monitoring. For example, the Audubon Society does point counts to monitor bird species abundance and diversity on a small nearby collaborative project area. If Pheasants Forever would like to create a project for their members, they could use volunteers to perform annual crow counts or other surveys, and MFWP could collaborate to help set up such volunteer transects.

*Comment 4: Pheasants Forever is willing to continue our conversation about habitat improvements at Fairweather, including potentially paying the cooperator for activities that benefit wildlife, like seed costs and purchasing part of his crop to be left standing as a food plot.*

MFWP appreciates Pheasants Forever's suggestion. If mutually agreeable between Pheasants Forever and the farmer, paying the farmer to leave his crop standing would be acceptable under the terms of this EA. The intent of the EA was to leave at a minimum 30% of crop, if more could be left, more benefit to wildlife would accrue. This suggestion could be a helpful way to improve pheasant habitat on this FAS under the auspice of this EA. MFWP encourages further conversation between Pheasants Forever and the contract farmer on this point.

### **Final Environmental Assessment**

Based on public comment there are no necessary modifications to the draft EA. That draft EA along with the clarifications and considerations in this Decision Notice will serve as the final Environmental Assessment for this proposal.

### **Decision**

Based on the Environmental Assessment and public comment, I choose Alternative B, to continue the existing crop-share agreement on Fairweather Fishing Access Site. I find there are no new or significant negative impacts on the physical and human environment associated with the selected Alternative B. Therefore, I conclude that the environmental assessment is the appropriate level of analysis and that an Environmental Impact Statement (EIS) is not required.

A handwritten signature in black ink, appearing to read 'Mark Deleray', with a long horizontal flourish extending to the right.

Mark Deleray  
MFWP Region 3 Supervisor  
Bozeman, MT  
May 7, 2019